

EXHIBIT E3

No. CR13-178
TRN 9153723910 A001

STATE OF TEXAS § IN THE DISTRICT COURT,
v. § RUSK COUNTY, TEXAS
ASHLEY M. KUBIAK § 4TH JUDICIAL DISTRICT
SID 50321500

Judgment & Sentence

Judge Presiding: J. Clay Gossett

Date of Judgment: August 8, 2014

Attorney for State: Michael E. Jimerson &
Richard W. Kennedy

Attorney for Defendant: Jason Cassel

Offense Convicted of: Criminal Negligent Homicide

Degree: State Jail felony

Date Offense Committed: 4-30-13

Charging Instrument: Indictment

Plea: Not Guilty

Terms of Plea Bargain: No plea bargain-jury trial with Jury recommended punishment

Plea to Enhancement Paragraph(s): N/A

Findings on Enhancement Paragraph(s): N/A

Findings on Use of Deadly Weapon: n/a

Costs: \$ 348.00

Punishment and Place of Confinement: Jury convicted and then gave 180 days state jail but
recommended community supervision for that term. No fine imposed. 5 years Community Supervision

Date to Commence: August 8, 2014

Date imposed: same

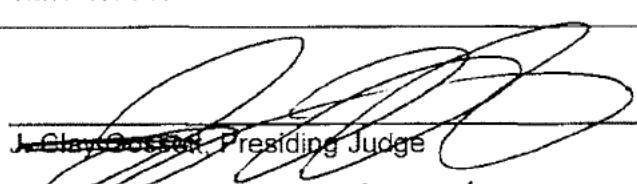
Total Amount of Restitution/Reparation: \$ to be determined by Rusk County ACSD

Restitution Paid to:

Concurrent Unless Otherwise Noted:

Time Credited: n/a




J. Clay Gossett, Presiding Judge
Date Signed: 8/10/14

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Judgment

On August 6, 2014 day this cause was called for trial and the state appeared by her Rusk County Attorney Micheal E. Jimerson and Assistant Count Attorney, Richard W. Kennedy and the defendant Ashley M. Kubiak appeared in person, her counsel, Hon. Jason Cassel also being present, and both parties announced ready for trial, and the defendant Ashley M. Kubiak in open court pleaded not guilty to the charge contained in the indictment herein; THEREUPON a jury, to wit, Brian Benson and eleven others, was duly selected, impaneled, and sworn, who, having heard the indictment read, and the defendant's plea of not guilty thereto, and having heard the evidence submitted, and having been duly charged by the court, retired in charge of the proper officer to consider of their verdict, and afterward were brought into open court by the proper officer, the defendant and his counsel being present, and in due form of law returned into open court the following verdict, which was received by the court, and is here now entered upon the minutes of the court, to wit:

"We, the jury, find the Defendant, Ashley M. Kubiak, "Guilty" of the offense of Criminal Negligent Homicide, as charged in the indictment.

Brian Benson

Foreman of the Jury"

Thereupon the defendant, Ashley M. Kubiak, elected to have her punishment fixed by the jury and the jury having heard evidence on the question of punishment returned the following verdict:

"We, the jury, having found the Defendant, Ashley M. Kubiak, "Guilty" of the offense of Criminal Negligent Homicide, as charged in the indictment assess her punishment at 180 days in a State Jail facility but recommend that that term be suspended and she be placed on community supervision.

Brian Benson

Foreman of the Jury"

It is therefore considered and adjudged by the court that Ashley M. Kubiak is guilty of the offense of Criminal Negligent Homicide, as found by the jury and said defendant committed said offense April 30, 2013, and that her punishment has been set by confinement in the State Jail Division of the Texas Department of Criminal Justice for 180 days. Probated for five (5) years. No fine imposed. IT IS FURTHER ORDERED that the State of Texas do have and recover of and from said defendant all costs incurred in this proceeding.

It is further ordered that the imposition of the sentence as to the term of imprisonment in this cause be, and the same is hereby suspended during the good behavior of the defendant, and that the defendant, Ashley M. Kubiak, be and is hereby placed on community supervision for a term of 5 years, beginning on this date, under the supervision of the court and the Rusk County Community Supervision and Corrections Department, subject to the attached conditions of community supervision, which are made a part of this order for all purposes. **The defendant shall, during the term of community supervision, comply with the attached conditions of community supervision.**

The Clerk of this Court is directed to furnish Defendant herein a certified copy of this order as a written statement of the period and terms of «hisher» community supervision, and to take Defendant's receipt therefor.

Signed this the 11 day of August, 2014.



Guy Griffin, Senior District Judge
Presiding by Appointment

FILED

2014 AUG 11 AM 9:09
COURTNEY TERRY
RUSH COUNTY DISTRICT CLERK
BY 
DEPUTY

Cause CR13-178

THE STATE OF TEXAS
VS
ASHLEY MARCELLA KUBIAK

IN THE DISTRICT COURT
OF RUSK COUNTY, TEXAS
4TH JUDICIAL DISTRICT

ORDER IMPOSING CONDITIONS OF COMMUNITY SUPERVISION

In accordance with the authority conferred by article 42.12 of the Code of Criminal Procedure, the Court has placed the Defendant on community supervision in the above styled and numbered cause for the offense of Criminal Negligent Homicide for a period of Five (5) years. The Court hereby orders the Defendant to comply with the following conditions of community supervision:

1. Commit no offense against the laws of this State or of any other State or of the United States;
2. Avoid injurious or vicious habits;
3. Avoid persons or places of disreputable or harmful character;
4. Report to the Rusk County Supervision Officer either in person, or in writing, each month as directed by the Rusk County supervision officer or Judge.
5. Permit the Supervision Officer to visit the defendant at his or her home or elsewhere;
6. Work faithfully at suitable employment as far as possible;
7. Remain within a specified place, to-wit: the State of Texas;
8. All court cost, fines, and attorney fees are to be paid to the Rusk County District Clerk's office. **These fees will not be waived.**
9. Support his dependants;
10. Pay a supervision fee of \$50.00 on or before the 15th day of each month during the period of community supervision, the first payment to be made or before the 15th of September, 2014; *
11. Participate in a community service work program for a total of 120 hours to be completed at the rate of 5 hours per month beginning the month of September, 2014;
12. Submit to testing for alcohol or controlled substances;
13. Pay a one time fee of \$20.00 to Crime Stoppers of Rusk County, Texas, said fee due on or before October 15th, 2014;

14. Report any arrests and any change of address, employment or marital status to his Supervision Officer within three days of the event;
15. Abstain from the use of all intoxicating beverages and the use of marijuana and the unlawful use of controlled substance and dangerous drugs;
16. Remain out of any bar, tavern, lounge or other similar place;
17. Do not purchase, nor have in possession a rifle, shotgun, revolver, or any other firearm, either at home, or in an automobile or on the defendant's person;
18. Attend counseling sessions for substance abuse or participate in substance abuse treatment services at the direction of the supervision officer.
19. Submit to the collection of a DNA sample for the purpose of creating a DNA records as Required by article 42.12 section 11(j);
20. Report in person to the 4th Judicial District Courtroom on February 25th, 2015 at 4:00 p.m.;

~~Judge Presiding~~

Defendant

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LODGE
COURT-HOUSE DISTRICT CLERK
COURT-HOUSE DISTRICT CLERK
RUSH COUNTY
RUSH COUNTY
BY DEPUTY

STATE OF TEXAS
COUNTY OF RUSK

COURTNEY TERRY, Clerk of District Court in and for Rusk County, Texas
do hereby certify that the above and foregoing is a true and correct copy
of the original Judgment of Conviction by Court – Waiver of Jury Trial
now on file in the above entitled and numbered cause given under my
hand and seal of office, this 6th day of November, 2014.

Courtney Terry, Rusk County District Clerk

By Samantha Wren Deputy